



COUNTY OF INYO
BOARD OF SUPERVISORS
P. O. DRAWER N
INDEPENDENCE, CALIFORNIA 93526

November 9, 1990

William D. Barnard
Executive Director
U.S. Nuclear Waste Technical Review Board
1100 Wilson Boulevard, Suite 910
Arlington, Virginia 22209

SUBJECT: Inyo County Testimony on the Transportation of High-Level Nuclear Waste to Yucca Mountain, Nevada

Dear Mr. Barnard:

This letter is the written portion of the County of Inyo, California's testimony for the November 19, 1990 public hearing by the Transportation & Systems Panel of the Nuclear Waste Technical Review Board (NWTRB). The specific areas we are commenting on is (I.) the failure to include Inyo County into the planning process for transportation of high-level nuclear waste; (II.) the failure of the California Highway Patrol to comply with the requirements of State environmental laws in designating routes for transportation of high-level nuclear waste; and (III.) the unsuitability of identified road and rail transportation routes passing through, or contiguous to, Inyo County.

I. Failure to include Inyo County into the Planning Process for Transportation of High-Level Nuclear Waste

Inyo County is located less than 14 miles west of the boundary of the Yucca Mountain Repository Site. We are the closest contiguous county to the repository site. In addition to significant transportation impacts, we also face possible effects from Yucca Mountain including contamination of the only water source in the eastern portion of the County, and the socio-economic impacts which will result from the construction and operation of the repository.

As you may be aware, the Nuclear Waste Policy Amendments Act (NWPA) provides for the designation of "affected units of local government." This designation allows local governments to request grants and impact mitigation assistance, as well as providing those governments full participatory rights in the

repository decision-making and negotiation process.

Based upon the potential for significant impacts to the County and its residents, Inyo County requested designation as an "affected unit of local government" from the Secretary of Energy in 1988. That request was denied and we have been forced to seek relief in the Ninth Circuit U.S. Court of Appeals.

Inyo County contains over 10,000 square miles of land; larger than many eastern states. We have a staff of only three professional planners to handle all the current and advance planning demands of this vast area. Without assistance and recognition as an "affected unit"; we have been unable to effectively participate in a matter that is of vital importance to the health and safety of our residents. An example was our inability to attend the August 17, 1990 hearing on transportation issues in Amargosa Valley; only three miles from the Inyo County line.

Everyone at the U.S. Department of Energy (DOE), from Secretary James Watkins to the Yucca Mountain Project Office tries to convince us that the California border magically protects Inyo County from the impacts of Yucca Mountain; including transportation issues. Unfortunately, this is not the case as many of the site characterization and radiological monitoring activities have been and are taking place within Inyo County. For transportation issues, selection of California Highway 127 as a possible truck transportation route and identification of three rail routing options (Jean, Ludlow and Crucero) through or adjacent to Inyo County certainly makes us affected.

We are deeply indebted to Joseph Strolin of the Nevada Nuclear Waste Project Office for advising us of public hearings and meetings by the DOE and NWTRB. If it were not for his efforts, Inyo County would never have been aware of this meeting. We sincerely hope this was an oversight by the NWTRB and not part of the continuing deliberate effort by DOE to exclude Inyo County from participation in the Yucca Mountain Site Characterization process. In the future, we hope we will receive direct notification of public hearings such as this.

II. Failure of California Highway Patrol to Comply with the Requirements of State Environmental Laws in Designation of Non-Interstate Routes for Transport of High Level Nuclear Waste

Inyo County has received the Statewide Radioactive Materials Transportation Plan prepared for the Nevada Department of Transportation. That Plan was prepared with significant public input, including public hearings. The Nevada Plan's two preferred alternatives (Route "E" and Route "F") for non-interstate routes from the south included California State Highway 127 through Inyo County (see Figure 7).

The Nevada Study indicated California is currently performing an analysis to select preferred routes in that state, and State Highway 127 was included in its analysis.

In California, the Hazardous Materials Section of the California Highway Patrol (CHP) has been given the responsibility of designating non-interstate routes for the transport of high-level nuclear waste. By comparison with the Nevada Study, the California Study has been a process closed to public comment and scrutiny. We have requested a copy of the study since May 1990, but to no avail. Most recently, we were advised by George Ayala that the CHP was waiting for a definition of "hazardous radioactive materials" from the California Department of Health Services.

The California Department of Transportation, Region Nine Office has never been consulted about the plan. Consequently the designated routes have never been addressed in the State Transportation Improvement Plans developed by the regional Department of Transportation office, nor has the input of their highway planners been solicited for the study. As detailed below, there are several major problems with utilization of State Highway 127 for the transport of high-level nuclear waste. As far as we are aware, there are no plans for the necessary highway improvements needed to utilize this route. Thus, although we have yet to see the routing plan, we feel it is inadequate based upon its flawed methodology.

To comply with the requirements of the California Environmental Quality Act (CEQA) (the State of California environmental protection law analogous to the National Environmental Policy Act of 1976), an environmental document must be prepared to analyze the potential environmental impacts of the proposed route selections (Section 21065 of California Public Resources Code). Inyo County believes the routing assessment is a project which may have a significant impact on the environment (Section 21068) and an Environmental Impact Report must be prepared.

The CHP submitted a Notice of Exemption to the State of California Office of Planning and Research (State Clearinghouse) on March 15, 1990. This claimed exemption to applicable environmental laws ignores the fact that the routing assessment is a discretionary project as Section 33000 of the California Vehicle Code and Title 49, Code of Federal Regulations, Section 177.825 provide authority to the routing agency to choose which route (if any) shipments are authorized. U.S. Highway 95 is already a route authorized by the U.S. Department of Transportation for transport of high-level nuclear waste to Yucca Mountain. Section 33000 also provides discretion over the time which such shipments may occur.

Also important is a requirement of the CEQA Guidelines which requires a Notice of Exemption to be filed after final approval of the project with the State Clearinghouse and the County Clerk of all counties in which the project will be located (Section

15062). By failing to have completed the routing assessment at the time the Notice of Exemption was filed, the CHP violated the CEQA Guidelines which have the force of State law.

Based upon the conclusions of the California routing study, when issued, Inyo County may challenge the failure to address the environmental consequences of the selected routes.

III. Unsuitability of Identified Road and Rail Transportation Routes Passing through, or contiguous to Inyo County

The most important issue, however, is the suitability of the identified road and rail transportation routes which pass through or near Inyo County. As we have not been designated as an "affected unit", we have had to review this issue as an outsider. We have experienced great difficulty in obtaining copies of the applicable DOE Highway and Rail Routing Studies.

For highway routes, we have only had access to the DOE Nevada Highway Routing Study, Final Report (April, 1989) and The Statewide Radioactive Materials Transportation Plan, Phase II (December, 1989), including oral and written testimony. If other relevant documents exist, we have no knowledge of them, and have received no notification of their existence.

First, Inyo County is concerned (and "affected") because Highway 127 identified in the Nevada routing study for two of the preferred routes pass through two communities; Shoshone and Death Valley Junction (see Figures 1 and 2, attached). It also passes within five miles of two other communities; Tecopa and Tecopa Hot Springs. As the photographs indicate, the highway is a paved two-lane road with unpaved shoulders. In Shoshone, vehicles parked off the highway back up into the lanes of traffic. The community of Death Valley Junction is located on a blind curve with a restricted speed of 25 miles per hour. Accidents involving trucks carrying high-level nuclear waste over the life of the Yucca Mountain project are not only possible, but likely.

Blind curves with restricted speed limits occur at several other locations along the Highway (see figures 3 and 4, attached).

California State Highway 127 is not a typical desert highway. For most of its length, it parallels the Amargosa River, which is the drainage for large portions of eastern California and western Nevada. Most of the year, it is a dry riverbed, but during storms within its drainage basin, it can become a raging torrent within a matter of minutes.

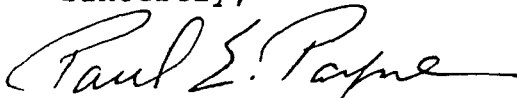
Only limited drainage improvements are provided along the highway. During the periodic floods of the Amargosa River, which occur with an average frequency of about once a year, these drainage improvements can accommodate only part of the flood waters. The majority of the flood waters flow as sheet flows over the roadway, often undermining the pavement. Figure 6 (see attached) shows the damage even minor storms can cause.

Figure 7 (see attached), shows a depth marker used to measure the depth of flood waters over the Highway. During the most recent flood which occurred on April 15, 1990, a truck carrying hazardous materials (non-nuclear) was swept off of the roadway. We are fearful of similar occurrences with trucks carrying high-level nuclear waste and nothing has been done to allay our concerns.

In conclusion, we feel there has been a uncoordinated, haphazard approach, both on the part of the DOE and the CHP in addressing transportation issues as they affect Inyo County. We feel, at a minimum, that Inyo County must be afforded status as an "affected unit" and allowed the oversight role given to other counties adjacent to the host county. The NWTRB must exercise its role by assuring both coordination between all the involved agencies and technical adequacy in the transportation route selection process.

Thank you for the opportunity to address the panel and comment on this issue of vital importance to the citizens of Inyo County.

Sincerely,



Paul E. Payne
Fifth District Supervisor

Attachments: Figures 1 through 7

cc: Inyo County Board of Supervisors
Inyo County Planning Commission
Inyo County Counsel
Joseph Strolin, Nevada Nuclear Waste Project Office
Charles Imbrecht, California Energy Commission
M. J. Hannigan, California Highway Patrol
Keith Mackey, Nevada Department of Transportation

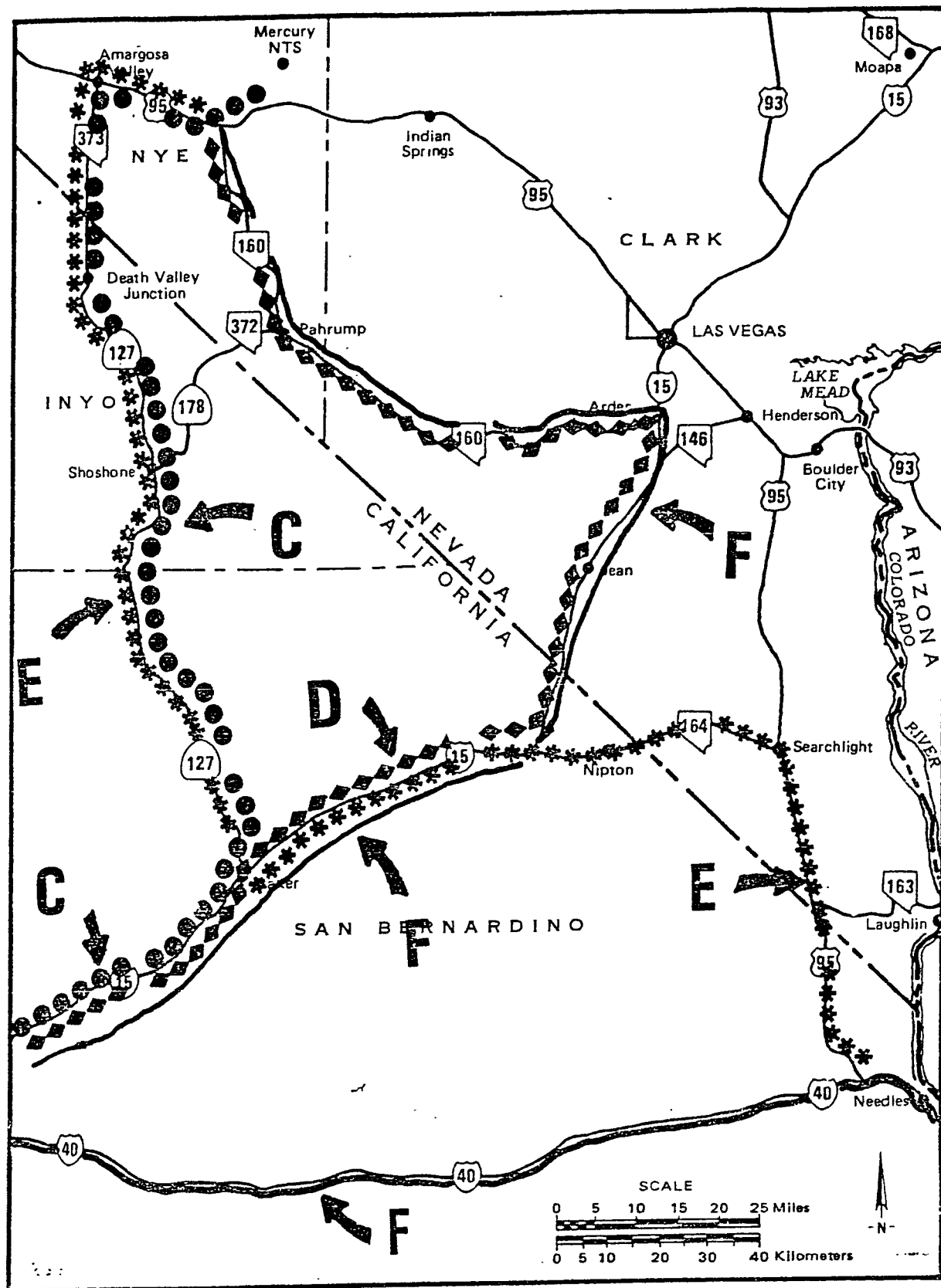


Figure 7. Routes Identified by StateGEN From Baker (CA) and Needles (CA) to Mercury.



FIGURE 1

VIEW NORTH ON CALIFORNIA HIGHWAY 127 THROUGH TOWN OF SHOSHONE.

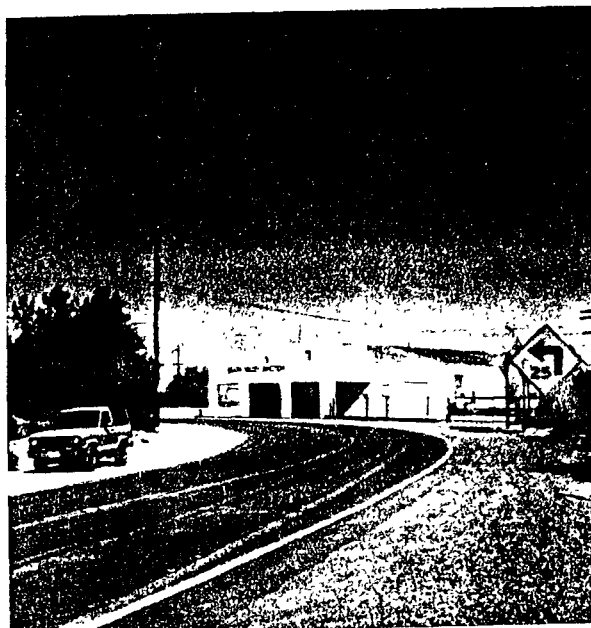


FIGURE 2

VIEW NORTH ON HIGHWAY 127 AT TOWN OF DEATH VALLEY JUNCTION. NOTE BLIND CURVE AND RESTRICTED SPEED LIMIT.



FIGURE 3

VIEW NORTH OF BLIND CURVE WITH RESTRICTED SPEED LIMIT 1.5 MILES NORTH OF SHOSHONE.

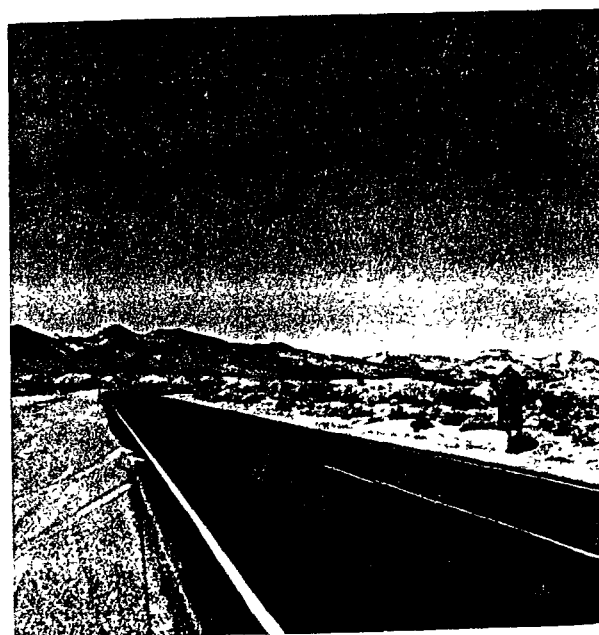


FIGURE 4

VIEW NORTH OF BLIND CURVE WITH RESTRICTED SPEED LIMIT 2.0 MILES NORTH OF SHOSHONE.

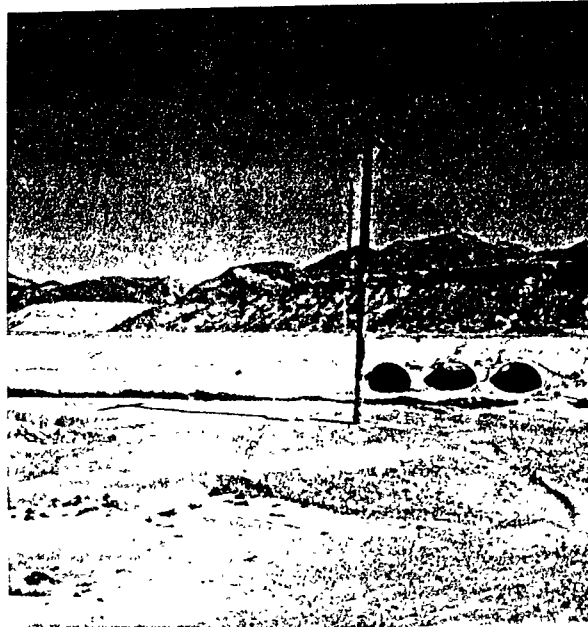


FIGURE 6
HIGHWAY 127 CROSSING OVER
AMARGOSA RIVER SOUTH OF DEATH
VALLEY JUNCTION. NOTE DAMAGE
OF SHEET FLOWS TO CONCRETE
EMBANKMENT.



FIGURE 5
HIGHWAY 127 CROSSING OVER
AMARGOSA RIVER NORTH OF SHO-
SHONE. NOTE CALTRANS FLOOD
MARKER TO MEASURE DEPTH OF
FLOODING OVER ROADWAY.